

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Wells Fargo Bank, NA Trustee Pooling and
Servicing Agreement Dated as of October 1, 2004
Asset-Backed Pass-Through Certificates Series
2004-MHQ1

CASE NUMBER: 1:10-cv-8317

PLAINTIFF

VS.

DISTRICT JUDGE: Sharon Johnson Coleman

Rochelle D. Wilson, Wesley Wilson,

MAGISTRATE JUDGE: Arlander Keys

DEFENDANT(S).

MOTION TO SET ASIDE JUDGMENT AND DISMISS CASE

Plaintiff, Wells Fargo Bank, NA, by counsel, James N. Pappas of Burke, Costanza, & Carberry LLP, files the following Motion to Set Aside Judgment and Dismiss the Case without prejudice, and states:

1. On December 31, 2010, Plaintiff filed its Complaint for Foreclosure.
2. On May 19, 2011 Judgment was entered against the Defendants
3. On January 12, 2012, the loan was brought current thru forbearance plan.

WHEREFORE, counsel for Plaintiff, Wells Fargo Bank, NA, respectfully requests that the Judgment be set aside and the Case be dismissed without prejudice, and for all other relief just and proper.

Respectfully submitted,

BURKE COSTANZA & CARBERRY LLP

By: /s/ James N. Pappas
James N. Pappas, #6291873
225 W. Washington St., Ste. 2200
Chicago, IL 60606
Phone: (219) 769-1313